IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

RCRev..No. 129 of 2007(a)

(AGAINST THE JUDGMENT IN RCA 6/2005 OF THE ADDITIONAL RENT CONTROL APPELLATE AUTHORITY, ALAPPUZHA, ARISING OUT OF THE JUDGMENT IN R.C.P NO. 30/03 OF THE RENT CONTROL COURT, ALAPPUZHA)

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REVISION PETITIONERS/APPELLANTS:
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1. K.M.ABDUL GAFOOR,KATTUNGAL VEEDU, AVALOOKUNNU P.O,THONDANKULANGARA WARD,ALAPPUZHA DISTRICT.

2. ZUBAIDA,W/O.ABDUL GAFOOR,KATUNGAL VEEDU, AVALOOKUNNU P.O,THODANKULANGARA WARD,ALAPPUZHA DISTRICT.

BY ADV. SRI.JOHN NUMPELI (JUNIOR)
SRI.AJITH.V.

RESPONDENTS/RESPONDENT:

RAMACHANDRAN, S/O. GOVINDAN ACHARI, AMBUJA BHAVAN, AVALOOKUNNU P.O., THODANKULANGARA WARD, ALAPPUZHA DIST.

BY

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

R.C.Rev.No.129 OF 2007 and
C.M.Appl.No.396 of 2007

Dated 29th June, 2007

ORDER

Koshy,J.

C.M.Appl.No.396 of 2007 is a petition for condoning the delay of 99 days in filing the revision petition. The appellate order was passed as early as on 22.6.2006 confirming the order of the rent control court finding that the real tenant was not made a party. The reasons stated for condoning the delay are not satisfactory and hence the petition is liable to be dismissed. In the above circumstances, we are of the opinion that petitioners will be free to file eviction petition against the respondent or the real tenant or both taking all the grounds available at the time of filing the petition. Without prejudice to that right, both delay condonation petition as well as revision petition are dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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